

VZCZCXRO5043  
OO RUEHBC RUEHDE RUEHDH RUEHIHL RUEHKUK  
DE RUEHGB #2825/01 2931939  
ZNY CCCCC ZZH  
O 201939Z OCT 09  
FM AMEMBASSY BAGHDAD  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5172  
RHEHNSC/NSC WASHDC PRIORITY  
INFO RUCNRAQ/IRAQ COLLECTIVE  
RUCNDT/USMISSION USUN NEW YORK 0887

C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002825

SIPDIS

E.O. 12958: DECL: 10/20/2019  
TAGS: [KDEM](#) [PGOV](#) [IZ](#)  
SUBJECT: IRAQI ELECTION LAW UPDATE OCTOBER 20, 2009

Classified By: Acting Deputy Chief of Mission Gary A. Grappo for Reason  
s 1.4 (b) and (d).

¶1. (C) SUMMARY. On October 20 parliamentarians dutifully reported to the Council of Representatives (COR), and likely comprised a quorum, but the session was never convened, as the deadlock on the Kirkuk issue continued. A/DCM held extensive meetings with COR members today, including key Kurdish and Arab bloc leaders, Deputy Speaker Arif Tayfour, Deputy Speaker Khalid Attiya and senior Shia and Sunni Arab representatives from Kirkuk and Ninewa. In closed negotiations, Kurds, Sunni Arabs and Turkomen continued to seek a solution to voting rules for Kirkuk province that would be accepted by all. Meanwhile, MPs outside of the closed session offered to poloff additional options for a way past the impasse. Late in the day, CDA and A/DCM met with UNAMI SRSG Ad Melkert to compare notes and deliberate on actions to advance the process. In his interventions with all the parties, A/DCM underscored the importance of quick COR action on the election law, the need to keep to the established election timetable, the participation of all Iraqi provinces, and the need for all COR members to be available for the eventual floor debate and vote in the COR.  
END SUMMARY.

Shia MPs Assess the Challenges  
-----

¶2. (C) COR Deputy Speaker Khalid Attiya emphasized to A/DCM that the crux of the struggle with the election law was the impossibility of all parties coming to consensus. Attiya said that parties have to accept that consensus is simply not possible and that only a majority vote would permit a solution for the election law. He conceded that Kirkuk is a national issue, but not worthy of jeopardizing the whole election. Attiya then told A/DCM that he thought the best option at this stage is a very simple four-part amendment of the 2005 election law, including provisions for open lists, the date of the elections, the number of seats in the COR, and the establishment of a COR-supervised committee to review the voter registry in areas experiencing "significant demographic shifts." He recommended to A/DCM that this approach be submitted by UNAMI, and added that the Political Council for National Security could be used to advance the proposal (NOTE: The PCNS consists of the three presidents, PM and DPM, political bloc leaders, and three speakers. END NOTE.) In subsequent meetings, ISCI bloc leader Jalal al-Din al-Saghir and MP Qasim Daud (Solidarity Bloc leader, INA) each reiterated many of these same points to A/DCM.

¶3. (C) Badr bloc leader Hadi al-Amiri told A/DCM that ISCI/Badr's position consists of "the three no's": no postponement of the election, no return to closed list, and no oppression of any group in Kirkuk, whether Kurdish, Arab or Turkomen. ISCI/Badr favors electoral quotas in Kirkuk -- and only Kirkuk -- that reflect the results of the 2005 election, meaning the Kurds get 50% of the seats plus 1. They also support the formation of a committee -- "under this COR or the next COR" -- that will review Kirkuk's voter list

with the help of the US and UNAMI after the January 2010 election. Amiri also said ISCI/Badr would allow the committee to review voter lists in other provinces, but that for the seat allocation idea to work, the Kurds must agree on singling out Kirkuk in the law. Amiri added that ISCI/Badr will recommend that President Talabani and PM Maliki convene the PCNS and find a workable solution in that forum.

#### Sunni MPs State Their Position QSunni MPs State Their Position -----

14. (C) Sunni Arab MP Osama al-Tikriti (Tawafuq) expressed concern to A/DCM about the impasse on the election law and predicted that the COR may need 4-5 more days to reach an accord. Tikriti warned that some wish to obstruct the election and are using the debate on Kirkuk voting rules to that end. While Tikriti lamented that the Kurds "reject all options" on Kirkuk, he suggested to A/DCM a solution that Kirkuk's COR seats be assigned, for two years only, in accord with "the results of the 2005 election." Tikriti added that, during this time, the Kirkuk voter registry could be reviewed for validity of voter qualifications. He recommended to A/DCM that strong U.S. involvement in a solution is advisable now.

15. (C) During the day, the Sunnis held a press conference to express their position on Kirkuk. Sunni MP Falah Hassan Zidan, Iraqi Front for National Dialogue, told poloff that the Sunni position is that Kirkuk's seats must be divided evenly - four seats for the Sunni Arabs, four seats for the Kurds, four seats for the Turkomen, and one seat for the Christians. At the press conference, Zidan said "we will not

BAGHDAD 00002825 002 OF 002

move" from this position, adding that Talabani will have to use his veto (NOTE: Meaning that they will push their position until the Presidency Council has to veto it. END NOTE.) He told poloff that it would be better to delay the election by two or three months than to "allow the Sunni Arabs to lose Kirkuk."

#### Kurds Establish a Unified Position -----

16. (C) Deputy House Speaker Arif Tayfour (KDP) told A/DCM that even though the proposal for concessionary seats for Kirkuk province -- allocating seven seats to Kurds, three to Sunni Arabs, and three to Turkomen -- is good for the Kurds, it is still unacceptable because it is unconstitutional. With regard to establishing a committee to compare the 2009 voter registration lists with the 2004 voter registry, Tayfour stated that the Kurds are willing to do this as long as the wording does not single out Kirkuk. They have clear instructions from KRG President Masoud Barzani not to compromise on any wording that mentions "Kirkuk." MP Saadi Barzinji (PUK) later insisted to A/DCM that "open lists are only good for a moderate country and Iraq is one of extremes." He warned that rejected voters, if refused the right to vote in a particular place, would be disenfranchised and that this result could be "disastrous".

17. (C) By midday, poloff observed that the Kurdish Alliance Leader Fuad Masoum (PUK) called the Kurdish bloc members for a briefing. Behind closed doors, he and Tayfour led a 90-minute meeting to state the Kurds' unified position on the election law and to answer members' questions. According to MP Abdulbari Alzebari, Masoum announced that the Legal Committee will be responsible for reaching a decision on the draft law. He said that MP Khalid Schwany (PUK) of the Legal Committee is responsible for safeguarding the Kurdish position during the drafting of a law. He added that Masoum instructed the members to stay in town through Thursday for a possible vote on the law.

#### IHEC Chairman Expresses Concerns

-----  
18. (C) Chairman Faraj al-Haydari told poloffs October 20 that the media campaign against IHEC is only phase one of a larger scheme to discredit IHEC and ultimately lay the groundwork for undermining the credibility of the results of the election. Haydari said that political machinations against IHEC are intended to support the COR's creation of a new committee that will take over IHEC's role. He described this effort as part of a maneuver that would allow Maliki's political rivals, who view IHEC as the PM's puppet, to raise politically charged accusations of fraud and bias if Maliki's State of Law list does well at their expense. A senior Aide to VP Al-Hashimi, Sarmad Mubasher Mohamed, told emboff October 20 that he expected the IHEC head and his spokesman to be removed, citing widespread sentiment in the COR for doing so.

Next Steps  
-----

19. (C) During a late-day meeting with UNAMI SRSG Ad Melkert, he and CDA and A/DCM reviewed specific elements of the election law. These include: setting the election date to January 16, 2010; increasing the seats from 275 to 311 in order to reflect Iraq's currently estimated population; confirming an open list system; establishing a special parliamentary committee to review voter registration in Kirkuk province and other provinces as needed; and pre-determining the seat allocation for COR seats from Kirkuk on a formula of 7 seats for the Kurds and 6 seats for Arabs and Turkomen. UNAMI and Post agreed to consult on next steps Qand Turkomen. UNAMI and Post agreed to consult on next steps for advancing the election law, including additional calls to the senior Iraqi leadership.  
FORD